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State Statutes on Punitive Damages

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⊗ PINKOS

be bifurcated. Initially, juries will be instructed to determine liability and the amount of compensatory damages, if any; also, the jury is to return a special verdict on the question whether a punitive damages award is warranted. If the jury answers yes to the punitive damages question, the trial will be resumed for the presentation of evidence and instructions relevant to the amount appropriate to award as punitive damages. After postverdict trial court review and subsequent appellate review, the amount of the final punitive damages judgment will be paid into the trial court. The trial court will then order payment of litigation expenses, including the plaintiff's attorney's fees, and instruct the clerk to divide the remainder equally between the plaintiff and the State General Fund. The provision for payment to the State General Fund is applicable to all judgments not yet satisfied, and therefore would apply to the judgment in Gore's case.

----- -End Footnotes- -----

For the reasons stated, I dissent from this Court's disturbance of the judgment the Alabama Supreme Court has made. **[***851]**

APPENDIX TO OPINION OF GINSBURG, J.

STATE LEGISLATIVE ACTIVITY REGARDING PUNITIVE DAMAGES

State legislatures have in the hopper or have enacted a variety of measures to curtail awards of punitive damages. At least one state legislature has prohibited punitive damages altogether, unless explicitly provided by statute. See N. H. Rev. Stat. Ann. § 507:16 (1994). We set out in this appendix some of the several controls enacted or under consideration in the States. The measures surveyed are: (1) caps on awards; (2) provisions for payment of sums to state agencies rather than to plaintiffs; and (3) mandatory bifurcated trials with separate proceedings for punitive damages determinations.

[*615] I. CAPS ON PUNITIVE DAMAGES AWARDS

* *Colorado* -- Colo. Rev. Stat. §§ 13-21-102(1)(a) and (3) (1987) (as a main rule, caps punitive damages at amount of actual damages).

* *Connecticut* -- Conn. Gen. Stat. § 52-240b (1995) (caps punitive damages at twice compensatory damages in products liability cases).

* *Delaware* -- H. R. 237, 138th Gen. Ass. (introduced May 17, 1995) (would cap punitive damages at greater of three times compensatory damages, or \$ 250,000).

* *Florida* -- Fla. Stat. §§ 768.73(1)(a) and (b) (Supp. 1992) (in general, caps punitive damages at three times compensatory damages).

* *Georgia* -- Ga. Code Ann. § 51-12-5.1 (Supp. 1995) (caps punitive damages at \$ 250,000 in some tort actions; prohibits multiple awards stemming from the same predicate conduct in products liability actions).

* *Illinois* -- H. 20, 89th Gen. Ass. 1995-1996 Reg. Sess. (enacted Mar. 9, 1995) (caps punitive damages at three times economic damages).

* *Indiana* -- H. 1741, 109th Reg. Sess. (enacted Apr. 26, 1995) (caps punitive damages at greater of three times compensatory damages, or \$ 50,000).

* *Kansas* -- Kan. Stat. Ann. §§ 60-3701(e) and (f) (1994) (in general, caps punitive damages at lesser of defendant's annual gross income, or \$ 5 million).

* *Maryland* -- S. 187, 1995 Leg. Sess. (introduced Jan. 27, 1995) (in general, would cap punitive damages at four times compensatory damages).

* *Minnesota* -- S. 489, 79th Leg. Sess., 1995 Reg. Sess. (introduced Feb. 16, 1995) (would require reasonable relationship between compensatory and punitive damages).

* *Nevada* -- Nev. Rev. Stat. § 42.005(1) (1993) (caps punitive damages at three times compensatory damages if compensatory damages equal \$ 100,000 or more, and at \$ 300,000 if the compensatory damages are less than \$ 100,000).

[*616] * *New Jersey* -- S. 1496, 206th Leg., 2d Ann. Sess. (1995) (caps punitive damages at greater of five times compensatory damages, or \$ 350,000, in certain tort cases).

* *North Dakota* -- N. D. Cent. Code § 32-03.2-11(4) (Supp. 1995) (caps punitive damages **[**1619]** at greater of two times compensatory damages, or \$ 250,000).

* *Oklahoma* -- Okla Stat., Tit. 23, §§ 9.1(B)-(D) (Supp. 1996) (caps punitive **[***852]** damages at greater of \$ 100,000, or actual damages, if jury finds defendant guilty of reckless disregard; and at greatest of \$ 500,000, twice actual damages, or the benefit accruing to defendant from the injury-causing conduct, if jury finds that defendant has acted intentionally and maliciously).

* *Texas* -- S. 25, 74th Reg. Sess. (enacted Apr. 20, 1995) (caps punitive damages at twice economic damages, plus up to \$ 750,000 additional noneconomic damages).

* *Virginia* -- Va. Code Ann. § 8.01-38.1 (1992) (caps punitive damages at \$ 350,000).

II. ALLOCATION OF PUNITIVE DAMAGES TO STATE AGENCIES

* *Arizona* -- H. R. 2279, 42d Leg., 1st Reg. Sess. (introduced Jan. 12, 1995) (would allocate punitive damages to a victims' assistance fund, in specified circumstances).

* *Florida* -- Fla. Stat. §§ 768.73(2)(a)-(b) (Supp. 1992) (allocates 35% of punitive damages to General Revenue Fund or Public Medical Assistance Trust Fund); see *Gordon v. State*, 585 So. 2d 1033, 1035-1038 (Fla. App. 1991), aff'd, 608 So. 2d 800 (Fla. 1992) (upholding provision against due process challenge).

* *Georgia* -- Ga. Code Ann. § 51-12-5.1(e)(2) (Supp. 1995) (allocates 75% of punitive damages, less a proportionate part of litigation costs, including counsel fees, to state treasury); see *Mack Trucks, Inc. v. Conkle*, 263 Ga. 539, 540-543, 436 S.E.2d 635, 637-639 (Ga. 1993) (upholding provision against constitutional challenge).

[*617] * *Illinois* -- Ill. Comp. Stat., ch. 735, § 5/2-1207 (1994) (permits court to apportion punitive damages among plaintiff, plaintiff's attorney, and Illinois Department of Rehabilitation Services).

* *Indiana* -- H. 1741, 109th Reg. Sess. (enacted Apr. 26, 1995) (subject to statutory exceptions, allocates 75% of punitive damages to a compensation fund for violent crime victims).

* *Iowa* -- Iowa Code § 668A.1(2)(b) (1987) (in described circumstances, allocates 75% of punitive damages, after payment of costs and counsel fees, to a civil reparations trust fund); see *Shepherd Components, Inc. v. Brice Petrides-Donohue & Assoc., Inc.*, 473 N.W.2d 612, 619 (Iowa 1991) (upholding provision against constitutional challenge).

* *Kansas* -- Kan. Stat. Ann. § 60-3402(e) (1994) (allocates 50% of punitive damages in

medical malpractice cases to state treasury).

* *Missouri* -- Mo. Rev. Stat. § 537.675 (1994) (allocates 50% of punitive damages, after payment of expenses and counsel fees, to Tort Victims' Compensation Fund).

* *Montana* -- H. 71, 54th Leg. Sess. (introduced Jan. 2, 1995) (would allocate 48% of punitive damages to state university system and 12% to school for the deaf and blind).

* *New Jersey* -- S. 291, 206th Leg., 1994-1995 1st Reg. Sess. (introduced Jan. 18, 1994); A. 148, 206th Leg., 1994-1995 1st Reg. Sess. (introduced Jan. 11, 1994) (would allocate 75% of punitive damages to New Jersey Health Care Trust Fund).

* *New Mexico* -- H. 1017, 42d Leg., 1st Sess. (introduced Feb. 16, 1995) (would allocate punitive damages to Low-Income Attorney Services Fund).

* *Oregon* -- S. 482, 68th Leg. Ass. (enacted July 19, 1995) (amending [***853] Ore. Rev. Stat. §§ 18.540 and 30.925, and repealing Ore. Rev. Stat. § 41.315) (allocates 60% of punitive damages to Criminal Injuries Compensation Account).

[*618] * *Utah* -- Utah Code Ann. § 78-18-1(3) (1992) (allocates 50% of punitive damages in excess of \$ 20,000 to state treasury).

III. MANDATORY BIFURCATION OF LIABILITY AND PUNITIVE DAMAGES DETERMINATIONS

* *California* -- Cal. Civ. Code Ann. § 3295(d) (West Supp. 1995) (requires bifurcation, on application of defendant, of liability and damages phases of trials in which punitive damages are requested).

* *Delaware* -- H. R. 237, 138th Gen. Ass. (introduced May 17, 1995) (would require, at [**1620] request of any party, a separate proceeding for determination of punitive damages).

* *Georgia* -- Ga. Code Ann. § 51-12-5.1(d) (Supp. 1995) (in all cases in which punitive damages are claimed, liability for punitive damages is tried first, then amount of punitive damages).

* *Illinois* -- H. 20, 89th Gen. Ass., 1995-1996 Reg. Sess. (enacted Mar. 9, 1995) (mandates, upon defendant's request, separate proceeding for determination of punitive damages).

* *Kansas* -- Kan. Stat. Ann. §§ 60-3701(a) and (b) (1994) (trier of fact determines defendant's liability for punitive damages, then court determines amount of such damages).

* *Missouri* -- Mo. Rev. Stat. §§ 510.263(1) and (3) (1994) (mandates bifurcated proceedings, on request of any party, for jury to determine first whether defendant is liable for punitive damages, then amount of punitive damages).

* *Montana* -- Mont. Code Ann. § 27-1-221(7) (1995) (upon finding defendant liable for punitive damages, jury determines the amount in separate proceeding).

* *Nevada* -- Nev. Rev. Stat. § 42.005(3) (1993) (if jury determines that punitive damages will be awarded, jury then determines amount in separate proceeding).

* *New Jersey* -- N. J. Stat. Ann. §§ 2A:58C-5(b) and (d) (West 1987) (mandates separate proceedings for determination of compensatory and punitive damages).

[*619] * *North Dakota* -- N. D. Cent. Code § 32-03.2-11(2) (Supp. 1995) (upon request of

either party, trier of fact determines whether compensatory damages will be awarded before determining punitive damages liability and amount).

* *Oklahoma* -- Okla. Stat., Tit. 23, §§ 9.1(B)-(D) (Supp. 1995-1996) (requires separate jury proceedings for punitive damages); S. 443, 45th Leg., 1st Reg. Sess. (introduced Jan. 31, 1995) (would require courts to strike requests for punitive damages before trial, unless plaintiff presents *prima facie* evidence at least 30 days before trial to sustain such damages; provide for bifurcated jury trial on request of defendant; and permit punitive damages only if compensatory damages are awarded).

* *Virginia* -- H. 1070, 1994-1995 [***854] Reg. Sess. (introduced Jan. 25, 1994) (would require separate proceedings in which court determines that punitive damages are appropriate and trier of fact determines amount of punitive damages).

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State Statutes
 (Clear + Convincing?) Caps?

272-472
 Joint + Severa)

AK	Yes ALASKA STAT. § 09.17.020 (2001).	Punitive damages are limited to the greater of three times compensatory damages or \$500,000. In cases involving actual malice, punitive damages are limited to the greater of four times compensatory damages or four times aggregate amount of financial gain that the defendant received as a result of its conduct or \$7 million. ALASKA STAT. § 9.17.020(f)-(h) (2001).	Joint liability has been abolished. ALASKA STAT. § 09.17.080 (2001).
AZ	Yes <i>Linthicum v. Nationwide Life Ins. Co.</i> , 723 P.2d 675 (Ariz. 1986).	None	Joint liability has been abolished. ARIZ. STAT. § 12-2506 (2001).
AR	None		Joint liability applies.
CA	Yes (except in breach of contract cases) CAL. CIV. CODE § 3294(a) (2001).	None	Joint liability has been abolished for noneconomic damages. CAL. CIV. CODE § 1431.2 (2001).
CO	Proof "beyond a reasonable doubt" required. COLO. REV. STAT. § 13-25-127(2) (2001).	Punitive damages may not exceed compensatory damages. COLO. REV. STAT. § 13-21-102(1)(a)(2001).	Joint liability has been abolished. COLO. REV. STAT. § 13-21-111.5 (2001).

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CT	No	Punitive damages in product liability actions are limited to two times compensatory damages. See CONN. GEN. STAT. ANN. § 52-240b (2001).	Defendants in negligence actions are generally only liable in proportion to their share of responsibility. If a defendant is insolvent or its share is otherwise uncollectible, the remaining defendants may be required to pay that defendant's share of the damages according to their percentages of negligence. CONN. GEN. STAT. ANN. § 52-572h (2001).
DE	No	None	Joint liability applies.
DC	Yes <i>Jonathan Woodner, Co. v. Breeden</i> , 665 A.2d 929 (D.C. 1995), cert. denied, 519 U.S. 1148 (1997).	None	Joint liability applies.
FL	Yes FLA. STAT. § 68.73 (2001).	Punitive damages are limited to the greater of three times compensatory damages or \$500,000; if the trier of fact finds the defendant's conduct was "motivated solely by unreasonable financial gain" punitive damages may be awarded up to the greater of four times compensatory damages or \$2 million; no cap applies if the defendant had a "specific intent to harm	If plaintiff is at fault, joint liability is abolished for: (a) any defendant found 10% or less at fault; (b) economic damages in excess of \$200,000 for any defendant found to be more than 10% but less than 25% at fault; (c) economic damages in excess of \$500,000 for any defendant found at least 25% but no more than 50% at fault; (d) economic damages in excess of \$1 million for any defendant found more than 50% at fault. If plaintiff

		<p>the claimant.” Punitive damages may not be awarded more than once for a single act or course of conduct unless the court finds by clear and convincing evidence that the prior award was insufficient to punish the defendant.</p> <p>FLA. STAT. ANN. § 768.73 (2001).</p>	<p>is not at fault, joint liability abolished for: (a) any defendant found to be less than 10% at fault; (b) economic damages for any defendant found at least 10% but less than 25% at fault; (c) economic damages in excess of \$500,000 for any defendant found at least 25% but not more than 50% at fault; (d) economic damages in excess of \$1 million for any defendant found at least 25% but not more than 50% at fault; and (e) economic damages in excess of \$2 million for any defendant found more than 50% at fault. Joint liability does not apply to any defendant who is found to be less at fault than the plaintiff.</p> <p>FLA. STAT. ANN. § 768.81 (2001).</p>
GA	<p>Yes</p> <p>GA. CODE ANN. § 51-12-5.1 (2001).</p>	<p>Punitive damages are limited to \$250,000 unless the plaintiff demonstrated that the defendant acted with a specific intent to harm.</p> <p>GA. CODE ANN. § 51-12-5.1 (f)(g) (2001).</p>	<p>Joint liability applies, but can be disregarded in certain cases where the plaintiff is partially at fault.</p> <p>GA. CODE. ANN. § 51-12-33 (2001).</p>
HI	<p>Yes</p> <p><i>Masaki v. General Motors Corp.</i>, 780 P.2d 566 (Haw. 1989).</p>	<p>None</p>	<p>Joint liability applies.</p>

ID	No	None	Joint liability has been abolished, except in cases arising out of a violation of any state or federal law or regulation related to hazardous or toxic waste or substances or solid waste disposal sites, or any cause of action arising from the manufacture of any medical devices or pharmaceutical products. IDAHO CODE ANN. § 6-803 (2001).
IL	No	None	Joint liability applies.
IN	Yes <i>Travelers Indem. Co. v. Armstrong,</i> 442 N.E.2d 349 (Ind. 1982).	Punitive damages are limited to the greater of three times compensatory damages or \$50,000. IND. CODE ANN. § 34-51-3-4 (2001).	Joint liability has been abolished. IND. CODE ANN. § 34-51-2-8 (2001).
IA	Yes IOWA CODE ANN. § 668A.1 (2001).	None	Joint liability has been abolished for noneconomic damages. Joint liability has been abolished for economic damages for defendants less than 50% at fault. IOWA CODE ANN. § 668.4 (2001).

KS	<p style="text-align: center;">Yes</p> <p>KAN. STAT. ANN. § 60-3701(c) (2001).</p>	<p>Punitive damages are limited to the lesser of \$5 million or the defendant's annual gross income. If the court finds that the profitability of the conduct exceeds the amount of the general limitation, the court may award an amount equal to 1½ times the amount of the profit which the defendant gained or is expected to gain as a result of the conduct.</p> <p>KAN. STAT. ANN. § 60-3701 (2001).</p>	<p>Joint liability has been abolished.</p> <p><i>Brown v. Keill</i>, 580 P.2d 867, 874 (Kan. 1978).</p>
KY	<p style="text-align: center;">Yes</p> <p>KY. REV. STAT. ANN. § 411.184(2) (2001).</p> <p>Current statute called into doubt. See <i>Williams v. Wilson</i>, 972 S.W.2d 260 (Ky. 1998) (overturning punitive damage reform statute setting liability standard).</p>	<p style="text-align: center;">None</p>	<p>Joint liability has been abolished.</p> <p>KY. REV. STAT. ANN. § 411.182 (2001); <i>Prudential Life Ins. Co. v. Moody</i>, 696 S.W.2d 503 (Ky. 1985).</p>
LA	<p>No punitive damages awards.</p>	<p>No punitive damages awards.</p>	<p>Joint liability has been abolished.</p> <p>LA. CIV. CODE arts 1804, 2323, 2324 (2001).</p>

ME	Yes <i>Tuttel v. Raymond</i> , 494 A.2d 1353 (Me. 1985).	None	Joint liability applies.
MD	Yes <i>Owens-Illinois v. Zenobia</i> , 601 A.2d 633 (Md. 1992).	None	Joint liability applies.
MA	No punitive damages awards.	No punitive damages awards.	Each defendant is liable to the extent of that defendant's proportionate share of the entire common liability, without regard to its relative degree of fault. Thus, in a two-defendant case, a defendant found 1% negligent can be compelled to pay 50% of the judgment. MASS. GEN. LAWS ANN. Ch. 231B §§ 1-2 (2001).
MI	No punitive damages awards.	No punitive damages awards.	Joint liability has been abolished, except in medical malpractice cases or criminal conduct involving gross negligence or the use of drugs or alcohol. MICH. COMP. LAWS §§ 600.6304(4), 600.6312 (2001).

MN	<p style="text-align: center;">Yes</p> <p style="text-align: center;">MINN. STAT. ANN. § 549.20 (2001).</p>	<p style="text-align: center;">None</p>	<p>A defendant whose fault is 15% or less is only liable up to four times that defendant's percentage of fault.</p> <p>MINN. STAT. ANN. § 604.02 Subd. 1 (2001).</p>
MS	<p style="text-align: center;">Yes</p> <p style="text-align: center;">MISS. CODE ANN. § 11-1-65(1)(a) (2001).</p>	<p style="text-align: center;">None</p>	<p>Joint liability has been abolished to the extent needed for the plaintiff to recover 50% of damages.</p> <p>MISS. CODE ANN. § 85-5-7(2) (2001).</p>
MO	<p style="text-align: center;">Yes</p> <p style="text-align: center;"><i>Rodriguez v. Suzuki Motor Corp.</i>, 936 S.W.2d 104 (Mo. 1996).</p>	<p style="text-align: center;">None</p>	<p>If the plaintiff was at fault, joint liability is limited to two times the defendant's percentage of fault.</p> <p>MO. STAT. § 537.067 (2001).</p>

MT	<p style="text-align: center;">Yes</p> <p>MONT. CODE ANN. § 27-1-221(5) (2001).</p>	<p style="text-align: center;">None</p>	<p>Joint liability has been abolished except for defendants found to be more than 50% at fault, see MONT. CODE ANN. § 27-1-703 (2001), except that joint liability shall apply in actions arising from an act or omission that violates a state environmental law relating to hazardous or deleterious substances.</p> <p>MONT. CODE ANN. § 27-1-705 (2001).</p>
NE	<p>No punitive damages awards.</p>	<p>No punitive damages awards.</p>	<p>Joint liability has been abolished for noneconomic damages.</p> <p>NEB. REV. STAT. § 25-21,185.10 (2001).</p>
NV	<p style="text-align: center;">Yes</p> <p>(except in breach of contract cases)</p> <p>NEV. REV. STAT. ANN. § 42-005 (2001).</p>	<p>Punitive damages are limited to three times compensatory damages if the amount of compensatory damages is \$100,000 or more; and \$300,000 if the amount of compensatory damages is less than \$100,000. Limits do not apply to an insurer who acts in bad faith regarding its obligations to provide insurance coverage or in product liability actions.</p> <p>NEV. REV. STAT. ANN. § 42-005 (2001).</p>	<p>Joint liability has been abolished for defendants less at fault than the plaintiff, except in products liability actions, strict liability actions, or actions involving the emission, disposal or spillage of a toxic or hazardous substance.</p> <p>NEV. REV. STAT. ANN § 41.141 (2001).</p>

NH	No punitive damages awards.	No punitive damages awards.	Joint liability has been abolished for defendants less than 50% at fault. N.H. REV. STAT. ANN. § 507:7-e (2001).
NJ	Yes N.J. STAT. ANN. § 2A:15-5.12 (2001).	Punitive damages are limited to greater of five times compensatory damages or \$350,000. N.J. STAT. ANN. § 2A:15-5.14 (2001).	Joint liability has been abolished for defendants less than 60% at fault. N.J. STAT. ANN. § 2A:15-5.3 (2001).
NM	No	None	Joint liability has been abolished, except in strict liability cases, cases involving vicarious liability, or "situations not covered by any of the foregoing and having a sound basis in public policy." N.M. STAT. ANN. § 41-3A-1. (2001).

<p>NY</p>	<p>No</p>	<p>None</p>	<p>Joint liability has been abolished for noneconomic damages for defendants less than 50% at fault, except when the defendant is found liable for: (1) use, operation, or ownership of a motor vehicle; (2) having acted with reckless disregard for the safety of others; (3) certain provisions of labor law; (4) unlawfully releasing hazardous substances; and (5) product liability actions where the manufacturer of the product is not a party to the action, jurisdiction over the manufacturer could not be obtained, and liability would have been imposed on the manufacturer through strict liability.</p> <p>N.Y. CIV. PRAC. L. & R. §§ 1601-1602 (2001).</p>
<p>NC</p>	<p>Yes N.C. GEN. STAT. § 10-15(b) (2001).</p>	<p>Punitive damages are limited to the greater of three times compensatory damages or \$250,000.</p> <p>N.C. GEN. STAT. § 1D-25 (2001).</p>	<p>Joint liability applies.</p>

ND	Yes N.D. CENT. CODE § 32-03.2-11 (2001).	Punitive damages are limited to the greater of two times compensatory damages or \$250,000. N.D. CENT. CODE § 32.03.2-11(4) (2001).	Joint liability has been abolished. N.D. CENT CODE § 32-03.2-02 (2001).
OH	Yes OHIO REV. CODE ANN. § 2307.80(A) (pre-1996 H 350 amendment)	None	Joint liability has been abolished for noneconomic damages, but only if the plaintiff was contributorily negligent or impliedly assumed the risk that caused the harm. OHIO REV. CODE ANN. § 2315.19 (2001) (pre-1996 H 350 amendment)
OK	Yes OKLA. STAT. ANN. tit. 23, § 9.1 (2001).	Punitive damages may not exceed the greater of \$100,000 or compensatory damages. Where the jury finds by clear and convincing evidence that the defendant acted with malice or an insurer intentionally acted in bad faith, punitive damages may not exceed the greater of \$500,000 or two times compensatory damages or the amount of the increased financial gain to the defendant. OK. STAT. ANN. tit. 23, § 9.1 (2001).	Joint liability is abolished if the plaintiff was at fault. <i>Anderson v. O'Donohue</i> , 677 P.2d 648 (Okla. 1983). <i>Laubach v. Morgan</i> , 588 P.2d 1071 (Okla. 1978).
OR	Yes OR. REV. STAT. § 18.537 (2001).	None	Joint liability has been abolished. ORE. REV. STAT. § 18.485 (2001).
PA	No	None	Joint liability applies.

RI	No	None	Joint liability applies.
SC	Yes S.C. CODE ANN. § 15-33-135 (2001).	None	Joint liability applies.
SD	Yes S.D. CODIFIED LAWS ANN. § 21-1-4.1 (Michie 2000).	None	Joint liability is limited to two times the percentage of fault of any defendant found to be less than 50% at fault. S.D. CODIFIED LAWS ANN. § 15-8-15.1 (Michie 2000).
TN	Yes <i>Hodges v. S.C. Toof & Co.</i> , 833 S.W.2d 896 (Tenn. 1992).	None	Joint liability has been abolished. <i>McIntyre v. Balentine</i> , 833 S.W.2d 52 (Tenn. 1992).
TX	Yes TEX. CIV. PRAC. & REM. CODE § 41.003 (2001).	Punitive damages limited to the greater of two times economic damages plus amount equal to noneconomic damages up to \$750,000, or \$200,000. TEX. CIV. PRAC. & REM. CODE ANN. § 41.008 (2001).	Joint liability has been abolished except for defendants found to be more than 50% at fault. In cases involving toxic torts, a defendant is jointly liable if that defendant's fault is 15% or greater. TEX. CIV. PRAC. & REM. CODE ANN. § 33.013 (2001).

UT	Yes UTAH CODE ANN. § 78-18-1 (2001).	None	Joint liability has been abolished. UTAH CODE ANN. § 78-27-40 (2001).
VT	No	None	Joint liability applies.
VA	No	Punitive damages may not exceed \$350,000. VA. CODE ANN. § 8.01-38.1 (2001).	Joint liability applies.
WA	No punitive damages awards.	No punitive damages awards.	Joint liability has been abolished if the plaintiff is found to be at fault. WASH. REV. CODE ANN. § 4.22.070(1)(b) (2001); <i>Washburn v. Beatt Equip. Co.</i> , 840 P.2d 860 (Wash. 1992).
WV	No	None	In medical malpractice actions, joint liability has been abolished for defendants found to be less than 25% at fault. W.V. CODE ANN. § 55-7B-9 (2001).
WI	Yes <i>Wangen v. Ford Motor Co.</i> , 294 N.W.2d 437 (Wis. 1980).	None	Joint liability has been abolished for defendants found to be less than 51% at fault. WIS. STAT. ANN. § 895.045(1) (2001).

WY	No	None	Joint liability has been abolished. WYO. STAT. ANN. § 1-1-109(e) (2001).
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